Application No. 10/620,803
Amendment "B" re-filed January 13, 2009
Reply to Notice of Non-Compliant Amendment mailed December 24, 2008

REMARKS

Applicant's representative expresses appreciation for the telephone interview conducted on September 25. The amendments made by this response and the remarks are consistent with that which was discussed during the interview.

The Final Office Action, mailed July 28, 2008, considered claims 1-13, 15, 17-28, 30-34, and 37-39. Claims 1-10, 17-23, 25-28, 30-33, and 37-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Murto et al. in US Patent Application Publication US 2004/0213409 A1 in view of Nielsen in US 6,510,461. Claims 11-13, 15, 24, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Murto in view as modified by Nielsen, as applied to claims 1-10, 14, 17-23, 25-33, and 35-39, and further in view of Official Notice.

By this response, claims 1, 2, 5-7, 20, and 21 are amended, while claims 3, 27, and 37-39 are canceled. Claims 1, 2, 4-13, 15, 17-26, 28, and 30-34 remain pending of which claims 1, 20, and 21 are independent.

The present invention is directed towards embodiments for managing access points to distributed services. The invention provides a novel way of supplying access points to multiple distributed services that meet specified criteria. For example, as illustrated by the method of claim 1, a request is made to a service registry for access points to distributed services. The request specifies criteria that the distributed services must meet. In response to this request, a plurality of access points is returned. Each access point corresponds to a different distributed service. The access points are then stored in a cache. When a client requests an access point, a first access point is selected from the cache and returned to the client who uses the access point to access a first distributed service. The client then sends notification that the first distributed service has failed. In response to this notification, *a second access point to a second distributed service* is sent to the client. Finally, the access point for the failed distributed service is marked so that it won't be selected again. Claim 20 is a computer readable medium claim that performs the same method as claim 1, while claim 21 is a system claim containing similar limitations.

Each of the independent claims was rejected as being obvious in view of the combination of Murto and Nielsen. In view of the current amendments, however, Applicant submits that these references fail to teach or suggest each limitation of the independent claims.

Murto is directed to embodiments for enabling a mobile phone to access distributed services. Although the underlying method of accessing these services in Murto is similar to the present invention, Murto fails to teach or suggest various limitations. For example, Murto does not disclose

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that in response to the failure of a first distributed service, an access point *to a second distributed service* is provided, as claimed. To the contrary, Murto only searches for an updated access point for the failed service. In other words, if the failure is due to the fact that the distributed service has changed its URL, the invention in Murto will request an updated URL *for the same distributed service that it had previously attempted to access*. Murto describes this as fetching new bindingTemplate information. *See* ¶ 81 (If "a failure occurs, the terminal will typically use the bindingTemplate ID to fetch new bindingTemplate information from the UDDI registry, *assuming that the new information is up-to-date* in relation to the service."). The bindingTemplate information is described as containing "the URL of a specific service provided by the business." *See* ¶ 62. BindingTemplate information is specific to a service provided by a business. *See* ¶¶ 59-62 (describing the data structure as a hierarchy starting with the businessEntity XML element which describes the business, and followed by one or more businessService elements which contains the bindingTemplate information). Therefore, Murto fails to teach or suggest "upon receiving information from the program that the first distributed service corresponding to the first access point has failed, selecting a second access point from the cache, the second access point *corresponding to a second distributed service*, and returning data corresponding to the second access point to the program, and marking the first access point corresponding to the failed distributed service such that the first access point is not subsequently selected from the cache," as claimed in combination with the remaining limitations.

Inasmuch as Nielsen does not deal with access points to distributed services, it likewise fails to teach or suggest this limitation.

In view of the foregoing, Applicant respectfully submits that all the rejections to the independent claims are now moot and that the independent claims are now allowable over the cited art, such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.[1] In the event that the Examiner
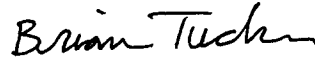
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[1] Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise.

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finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 13th day of January, 2009.

Respectfully submitted,

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Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.